

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)	
David W. Berry, Sr.)	CHAPTER 7
Debtor)	CASE NO. 09-31231-HJB
)	

RESPONSE TO MOTION FOR RELIEF

Now comes David W. Berry, Sr. (hereinafter "Debtor") by and through his attorney, James P. Ehrhard, and responds to the Motion for Relief filed by Ocwen Loan Servicing, LLC as follows:

1. Debtor admits.
2. Debtor admits.
3. Debtor admits.
4. Debtor admits.
5. Debtor admits.
6. Debtor admits.
7. Debtor states he is in the process of attempting a loan modification with Ocwen to satisfy the arrears.
8. Debtor denies.
9. Debtor admits the encumbrances, but denies the amounts.
10. Debtor denies.
11. Debtor admits.
12. Debtor admits.
13. Debtor admits, but state he is in the process of negotiating a loan modification with Ocwen that will allow him to make monthly payments as adequate protection for Ocwen's security.
14. Debtor admits.
15. Debtor admits.
16. Debtor admits.
17. Debtor admits.
18. Debtor admits.
19. Debtor admits.
20. Debtor admits all lettered paragraphs.
21. Debtor admits, but states he is negotiating a loan modification that will satisfy the claim for arrears.
22. Debtor admits.
23. Debtor admits.
24. Debtor denies.
25. Debtor states that he intends to retain the property to produce income for him and is attempting a loan modification that will allow him to make the payments to Ocwen.
26. Debtor admits.

- 27. Debtors denies as he is in the process of negotiating a loan modification.
- 28. Debtor admits.
- 29. Debtor admits.
- 30. Debtor admits.
- 31. Debtor does not oppose.

WHEREFORE, the Debtor respectfully requests that the Court deny the Motion for Relief as the Debtor states he intends negotiate the terms of a loan modification with Ocwen.

Respectfully submitted,
David W. Berry, Sr.
By his attorney,

/s/ James P. Ehrhard
James P. Ehrhard, Esq.
BBO # 651797
Michael P. Vernon, Esq.
BBO # 661244
Ehrhard & Associates, P.C.
418 Main Street, 4th Floor
Worcester, MA 01608
(508) 791-8411
ehrhard@ehrhardlaw.com

Dated: February 25, 2010

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David W. Berry, Sr.)
Debtor)
_____)

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CERTIFICATE OF SERVICE

I, James P. Ehrhard, do hereby certify that I will immediately serve a copy of the Response to the Motion for Relief via first class mail to the parties listed below and on the attached service list if not noted as having received electronic service:

Richard King, VIA ECF

Richard Demerle, VIA ECF

Joseph Collins, VIA ECF

/s/ James P. Ehrhard
James P. Ehrhard, Esq.

Dated: February 24, 2010